

REMARKS

Careful consideration has been given to the Official Action of January 7, 2009 and reconsideration of the application as amended is respectfully requested.

Claims 1-3, 6, 8-14 and 16 stand rejected under 35 USC 103(a) as being allegedly being obvious over Kielbania (US 4,507,342) in view of Ikeda (US 4,292,392).

In response, claims 1, 6, and 14 have been amended to require that the paste is one that, after etching, results in translucency of the fabric. This is supported by the original disclosure, at for example, page 3, lines 1-5, and clearly distinguishes the claimed invention from the cited references which do not result in translucency of the fabric, and would not produce a synthetic fabric having a translucent pattern thereon.

Claims 17-19 have been added, and are dependent on claims 1, 6, and 14. These new claims recite the “consisting essentially of” transitional phrase to exclude materials that adversely affect the basic and novel properties of the invention. As discussed in the specification, at for example, paragraph [0004], a basic and novel property of the process is that it results in a translucent fabric. These claims thus exclude the components from the transparent printing developer that would interfere with translucency. See MPEP 2111.03

The claimed invention is directed to a process that prints a paste, which after etching, results in translucency of the fabric. That is, the translucent patterns are formed on the fabric

of the present invention and the translucency comes from the fabric per se because the patterned fabric is etched and thinner. This is illustrated in Fig. 1 of the Addendum submitted with the last response of September 26, 2008.

In contrast, Kielbania uses a cut clear and sodium bicarbonate, in which the cut clear functions as a viscosity builder in the paste, but not as an etching accelerator. The Applicant has conducted an experiment in which two examples were made using the formulations described in Examples 18a (containing no quarternary ammonium salt) and 18b (containing 3% quarternary ammonium salt), and an additional example using a formulation containing a higher amount (80 wt%) of a quarternary ammonium salt. The results show that increasing the amount of quarternary ammonium salt tends to lighten the color of the fabric colored by a pigment, and that all the formulations of Examples 18a and 18b of Kielbania and the additional example **do not result in transparent efficacy** of the fabric treated therewith. This clearly shows that Kielbania does not teach or suggest printing a paste which, after etching, results in translucency of the fabric, as required by the claimed invention.

Furthermore, new claims 17-19 are also clearly patentable since these claims exclude the components described in the cited references, such as the pigment of Kielbania, that preclude producing the translucent pattern on the fabric, which is a basic and novel property of the claimed invention.

Ikeda relates to a method for producing a metal image. Although Ikeda discloses that sodium bicarbonate is a commonly known etching agent, Ikeda does not teach or suggest the

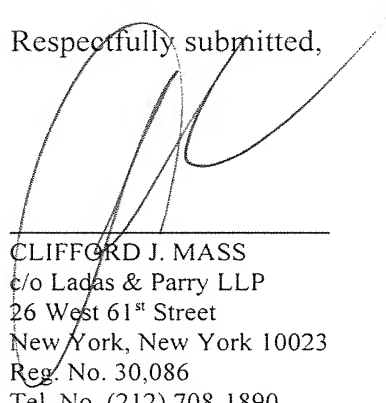
process comprising the printing and etching steps to form a synthetic fiber fabric having translucent patterns thereon as in the claimed invention and cannot supplement the deficiencies of Kielbania as discussed above.

Therefore, Kielbania and Ikeda, taken alone or in combination, do not meet each and every feature of the claimed invention, and thus cannot establish even a *prima facie* case of obviousness.

The Applicant would submit a Declaration attesting to the experimental results discussed above, including samples of the fabrics produced using Examples 18a and 18b of Kielbania, as well as a fabric produced by the claimed invention, upon request by the Examiner (see 37 CFR 1.91).

In view of the above action and comments, it is respectfully submitted that the application as now presented is in condition for allowance and early notice thereof is earnestly solicited.

Respectfully submitted,



CLIFFORD J. MASS
c/o Ladas & Parry LLP
26 West 61st Street
New York, New York 10023
Reg. No. 30,086
Tel. No. (212) 708-1890